

1 SAN LUIS OBISPO, CALIFORNIA, OCTOBER 27, 1999 - 9:30 A.M.

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3 CHAIRMAN EATON: Good morning, everyone,  
4 and welcome back or welcome to, as the case may be, to our  
5 second day of the October 26th-27th California Integrated  
6 Waste Management Board meeting.

7 Madam Secretary, would you mind calling the  
8 roll. Madam Secretary, please call the role.

9 BOARD SECRETARY: Board Members Jones.

10 BOARD MEMBER JONES: Here.

11 BOARD SECRETARY: Moulton-Patterson.

12 BOARD MEMBER MOULTON-PATTERSON: Here.

13 BOARD SECRETARY: Pennington.

14 BOARD MEMBER PENNINGTON: Here.

15 BOARD SECRETARY: Roberti.

16 BOARD MEMBER ROBERTI: Here.

17 BOARD SECRETARY: Chairman Eaton.

18 CHAIRMAN EATON: Here.

19 Well, as we begin our second day, we have  
20 one remaining agenda item left, Item Number 41, which is  
21 the contract concepts, but before we begin that, I'd like  
22 to know if there's any ex parte communications.

23 Mr. Pennington, I will start with you.

24 BOARD MEMBER PENNINGTON: Mr. Chairman, I  
25 have none, except I do have this one letter from -- it's a

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1 letter actually to the Commissioner, David Roberti, from  
2 Shirley Dean, Mayor of Berkeley, on Berkeley's proposal.

3 CHAIRMAN EATON: Mr. Jones.

4 BOARD MEMBER JONES: I got the same letter  
5 and also last night talked with Al Rizzoli from San Luis  
6 Obispo Waste. He hosted an incredible event last night  
7 that a lot of us went to. We had dinner at the bottom of  
8 a new landfill cell that had just been prepared, with the  
9 tent, and when they stuck the sirloins on and they were  
10 that thick, he said, "That's how we cook them in San Luis  
11 Obispo." So him and some of his staff, and it was on  
12 their landfill.

13 CHAIRMAN EATON: Ms. Moulton-Patterson.

14 BOARD MEMBER MOULTON-PATTERSON: I have  
15 written ex partes from Joey Tony and Presley Carbajal on  
16 the Lionudakis site; Yvonne Hunter, League of California  
17 Cities on AB 939 background; Ricardo Serrano on the B and  
18 J Landfill; Mark Harmon, City of Claremont; Gilberto Ruiz,  
19 SCAG, just an invitation to speak; Tom Martin, Cold Canyon  
20 Landfill on open house; Kelley Shewmaker on the Lionudakis  
21 site -- some of these could have already been reported  
22 yesterday -- Mark Arsenault on -- these are ones that I  
23 sent thank yous for taking me on the tour of Newby Island;  
24 Gary Johnson, Eagle Mountain. And I believe that's it.

25 Senator Roberti, was this already -- just

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1 to be on the safe side, a letter to Senator Roberti and  
2 myself, Z-Best Composting Facility from Antonio Pacheco;  
3 also from Jeff Parker, the City of Walnut on their program  
4 implementation; also City Councilman Alex Padilla from the  
5 City of Los Angeles on sustainable green building  
6 practices; one from Chuck White, Waste Management, on  
7 support for Concept Number 57, landfill bioreactor; and  
8 lastly, from Senator Richard Alarcon on Concept Number 81,  
9 Lakeview Terrace Library.

10 Thank you, Mr. Chairman.

11 CHAIRMAN EATON: Thank you. And you should  
12 feel very fortunate that even though you were unable to be  
13 here yesterday, Mr. Jones had provided us with numerous  
14 landfill bioreactor ex parte communications which we read  
15 into the record, and took up some time. I think you were  
16 probably fortunate he covered you.

17 Senator Roberti.

18 BOARD MEMBER JONES: I didn't get any of  
19 those. Those all went to you.

20 BOARD MEMBER ROBERTI: Mr. Chairman, I have  
21 a communication from Councilman Alex Padilla, Los Angeles  
22 City Council, regarding Lakeview Terrace project; from  
23 Ms. Shirley Dean, the Mayor of the City of Berkeley,  
24 regarding Berkeley's ecoindustrial park; and I spoke with  
25 Senator Jack O'Connell, Mr. Dan Lentz, an attorney in San

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1 Luis Obispo, and Mr. Tom Jones, an aid to Senator  
2 O'Connell, regarding diversion rates, landfill operations  
3 and recovery -- or rather in the disposal of medical  
4 waste.

5 CHAIRMAN EATON: Thank you. And I just  
6 also would like to thank the Rizzoli family for their  
7 hospitality, and not only the Board Members and staff, but  
8 to others there last evening. Truly enjoyable, and  
9 hopefully we'll have an opportunity to come back.

10 I have a few as a result of being at that  
11 function. As you well know, you can't go to a function  
12 without seeing anyone, but ex partes would be Mary B.  
13 Whittlesee, Solid Waste Coordinator for the County of San  
14 Luis Obispo regarding 939 general waste issues; Gary  
15 Gawin, AB 2136 clean up; Dr. Douglas Williams from Cal  
16 Poly State University here in San Luis Obispo on general  
17 waste issues; and Evan Edgar of Edgar and Associates, just  
18 sort of a meet-and-greet.

19 Any reports, Mr. Pennington, in the brief  
20 time that you were away from the dais yesterday that you  
21 could share with us today?

22 BOARD MEMBER PENNINGTON: No, Mr. Chairman.

23 CHAIRMAN EATON: Mr. Jones.

24 BOARD MEMBER JONES: No.

25 CHAIRMAN EATON: Ms. Moulton-Patterson.

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1 BOARD MEMBER MOULTON-PATTERSON: No.

2 CHAIRMAN EATON: All right. We do have one  
3 remaining report and that's from our Executive Director  
4 who yesterday said he would give us an update on a couple  
5 of issues.

6 Mr. Chandler.

7 MR. CHANDLER: Good morning, Members. As  
8 you recall yesterday, we did pull Items Number 39 and 42  
9 with the indication I would cover those in my opening  
10 remarks. I want to ask Chief Counsel Tobias to address  
11 Item 39, which I believe is going to be brought forward at  
12 a later date, and I will cover Item 42 briefly.

13 So, Catherine.

14 MS. TOBIAS: I just wanted to mention on  
15 Item 39, that that came up as a result of Senator  
16 Roberti's concerns at the Quincy meeting. And what we'll  
17 be bringing forward is an item that does address that  
18 issue, but it's also going to address the issue of when  
19 facilities violate the terms and conditions of their  
20 permits.

21 What happens often is that a facility will  
22 operate under given terms and conditions, then they'll  
23 start to accept more tonnage or change their operations  
24 from chipping and grinding to more of a composting type of  
25 operation, and then staff advise them to come in and

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1 either change their permit or upgrade their permit to the  
2 next level.

3                   It brings into question this issue between  
4 permitting and enforcement, which is what I think we were  
5 going to review with the long-term violation policy. So  
6 we're going to bring both of those back in so we can give  
7 you a better understanding of where the line is between  
8 permitting and enforcement and get your ideas on what you  
9 would like to see done about that long-term violation  
10 policy, whether you want to keep that or change it, but  
11 we're expanding the item a little bit.

12                   We may also discuss, as we did with Mark De  
13 Bie yesterday, the gas violation issues that were brought  
14 up at the Board level. Any comments on that? All right.  
15 I think we're looking at January.

16                   MR. CHANDLER: Finally, the last item I  
17 wish to speak to is reflected in Item Number 42, report on  
18 the Board's procurement of the recycled-content carpet for  
19 the new Cal EPA building, but cover the facts as they've  
20 been unfolding really for the last two years where this  
21 organization worked to encourage, cajole, and even demand  
22 that Cal EPA consider in their new building project that  
23 they design it in such a way that would involve the  
24 construction of sustainable, durable green building  
25 concepts.

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1                   Unfortunately, requests were ignored or  
2 rebuffed, citing these products were too costly and that  
3 they had not been considered for the budget when the  
4 building was originally negotiated. We continued to push,  
5 however, \$150,000 to contract with a green building design  
6 specialist as well as to provide funding for a contract  
7 for \$50,000 to ensure the demolition of the parking  
8 structure as usable product as opposed to being sent to  
9 the landfill.

10                   Early this year, an offer was made by the  
11 Board to find additional opportunities for recycled  
12 content funded by the Board. In July, Chairman Eaton, on  
13 behalf of the Board, sent a letter to Secretary Hickox  
14 offering to purchase approximately 75,000 square yards of  
15 carpeting available with the best indoor air quality from  
16 the manufacturer that showed a strong commitment to the  
17 environment and the concepts of sustainability.

18                   Our initial investigation led us to request  
19 permission to use the California Master Award Schedule,  
20 sometimes referred to as CMAS, to purchase flooring  
21 systems. In the letter to Secretary Hickox, we requested  
22 his support in helping us secure the necessary approvals  
23 from General Services to make this purchase possible. DGS  
24 was unwilling, however, to allow the Board to make this  
25 direct procurement as opposed to securing the lowest bid,

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1 as well as a backlash from carpet sought, ways to remain  
2 in control of the purchase.

3                   Finally in September, Secretary Hickox and  
4 Chairman Eaton, we finally secured approval to make the  
5 purchase. It was with the concession, however, that we  
6 convene a panel of interested parties who would provide  
7 recommendations as to the manufacturer that would be  
8 allowed. We would look at the CMAS schedule and provide  
9 them as well the opportunity to provide product  
10 information.

11                   As a result of this process, two clear  
12 leaders emerged. One was Collins and Aikman and the other  
13 was Interface, the design team from the building City of  
14 Sacramento. From our perspective, we requested the City  
15 to consider procurement from both of the two top  
16 manufacturers. However, because of the time lost in the  
17 beginning of this process, the City was concerned that  
18 splitting the order between two manufacturers would  
19 lengthen the time line for the project. Therefore, the  
20 Board agreed to limit the purchase to Collins and Aikman  
21 and proceed accordingly, I think the most noteworthy  
22 consent aspect as well as the financial aspect.

23                   The original budget for the carpet was \$2.5  
24 million. By using the California Master Award Schedule  
25 greater than 50-percent recycled-content product, \$300,000

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1 in our commitment of funding, we have saved Cal EPA over  
2 \$2 million. It is our hope they will use this savings in  
3 the building.

4 At this time, staff are waiting for the  
5 final numbers from the interior architect, Eileen Adams,  
6 commending use of the CMAS process and request that all  
7 carpet and tile through CMAS, precluding their purchase.

8 I would like to conclude by thanking Karin  
9 Fish for negotiating this work. I also want to thank  
10 Caren Trgovcich, and particularly her staff, as we  
11 evaluate the various carpet proposals.

12 So with that, I'll entertain any questions.

13 CHAIRMAN EATON: Any questions of  
14 Mr. Chandler?

15 BOARD MEMBER PENNINGTON: I would like to  
16 congratulate you and Mr. Chandler on what were long and  
17 stressful negotiations, but you both need to be commended  
18 for the efforts you put forward to make this edifice to  
19 environmental quality at least stand up to what's it's to  
20 be.

21 BOARD MEMBER JONES: I'll second that.

22 CHAIRMAN EATON: Thank you. I think it  
23 also is something we all learned by the process, by the  
24 fact any time you're trying to do something new,  
25 Mr. Pennington, when we start getting into bid

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1 specifications and green building products and what have  
2 you, we learned a lot from the fact we fell probably more  
3 often than we got up and dusted ourselves off.

4                   In the end, Secretary Hickox added his  
5 weight and Eileen Adams in sync. It makes it easier to  
6 get through that extra couple of yards to get to the goal  
7 line. At least when we'll be moving to the new building,  
8 we'll have carpet that we can say is made out of recycled  
9 content, and that will be a proud day for all Californians  
10 trying to do as well. Thank you.

11                   There's no consent calendar -- that should  
12 please everyone -- as well as no continued business agenda  
13 items. So therefore, we go directly to the one remaining  
14 item and that would be Item 41, which is the contract  
15 concepts.

16                   Ms. Fish, I don't know if you're ready.  
17 Perhaps you want to give an overview of --

18                   MS. FISH: We're ready or will be there by  
19 the time I get there.

20                   Thank you. Karin Fish from the Division of  
21 Administration and Finance. This has been a pretty long  
22 process.

23                   The item before you is the allocation of  
24 the consultant and professional services relative to the  
25 '99-2000 fiscal year for the Integrated Waste Management

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1 account, as well as the Recycled Market Development Zone  
2 account. We requested concepts in June of 1999, and the  
3 concepts that have been received since that time, we have  
4 some 82 concepts. There was \$1.5 million available in  
5 discretionary funding for this purpose in the Integrated  
6 Waste Management account and about \$4.9 million available  
7 in the RMDZ account. The concepts that we received  
8 totaled \$4.9 million, almost \$5 million, in the Integrated  
9 Waste Management account leaving requests that exceeded  
10 the authorized funding by over \$3.5 million, and over \$10  
11 million worth of requests in the RMDZ account, leaving  
12 that overallocated \$5.3 million.

13                   So over the past couple of weeks, the staff  
14 had put forward the recommendation to try and split some  
15 of the concepts between maybe this fiscal year as well as  
16 the next fiscal year, making recommendations on some of  
17 the concepts that we felt were inappropriate to be funded,  
18 that we felt should not be funded from the Integrated  
19 Waste Management account, and that has been passed out to  
20 you, that executive staff recommendation.

21                   Now, we could go through each one of the  
22 concepts. There are staff here to address additional  
23 questions if you have additional questions relative to the  
24 concept, selected staff, a few staff. So we can either go  
25 through the concepts, or we've also received kind of a

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1 modified proposal from the executive staff proposal that  
2 staff are busy trying to put up now so we can put that up  
3 to assist you in your discretion.

4                   So I guess I'm looking for a little  
5 direction on how you would like us to proceed to help you  
6 reach the decision because I know we have a great deal  
7 more requests than there is funding available for.

8                   CHAIRMAN EATON: I think a couple things,  
9 the modified program is something that we'll work off for  
10 a couple reasons. I think first and foremost, it's  
11 balanced to begin with. It may not be after we get done  
12 here, but at least initially it's balanced. Also, I think  
13 there are some technical aspects incorporated into both.  
14 For instance, in the Project Recycle arena, which I  
15 believe is on the second page actually, third page if you  
16 look at the back, are those mandatory as a result of some  
17 of the --

18                   MS. FISH: Some of the Project Recycle  
19 relative to the finance letter? Yes. I don't know if we  
20 call them mandatory, but we did indicate in the finance  
21 letter that those are the activities that needed to be  
22 conducted, so we would like to proceed in accordance with  
23 that.

24                   CHAIRMAN EATON: I think also there's a  
25 number of things, Members, to look at here that is a

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1 little bit different than in the past, and under Dan  
2 Pennington's leadership it started to change in the same  
3 evolution where we're looking at, as Board Members,  
4 projects or, I think, areas of interest to explore. I  
5 think as we look at public education this time, I think  
6 that's been an area that we've talked about that hasn't  
7 had a lot of attention, Senator Roberti, in the whole area  
8 of reading, beginning last year with the initial, and this  
9 year we have an allocation. And also there is a BCP which  
10 is a Budget Change Proposal, which I -- when everyone is  
11 talking about BCPs, that's going forward.

12                   Mr. Pennington, I believe, served notice,  
13 if I'm not mistaken, during at least one of the Board  
14 Meetings earlier this year and wanted to try to do  
15 something with low and moderate income housing related to  
16 green building. That's part of the concept, if each of  
17 you desire to speak on that.

18                   Mr. Jones, two years ago, I believe, came  
19 up with tire chips for septic systems, and this year he's  
20 following it up with bioreactors. I tried to do some  
21 stuff with green building construction and demolition, but  
22 the one area I would like to have you think about, Karin,  
23 and go through it briefly, I appreciate looking at the  
24 balance sheet and showing where we were \$5 million short.  
25 Now at least the new modified, it's somewhat balanced.

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1 The public affairs arena, and I know there's a lot of  
2 discussion with regard to a particular program or a  
3 particular emphasis, but at least from my standpoint, I'm  
4 still struggling with what we need to do in that arena.  
5 As we approach the year 2000, which is some 60 days away,  
6 others have come up with other types of media campaigns.  
7 These monies at least carry us through for the first six  
8 months of next year; is that correct?

9 MS. FISH: With the IWMA account, the funds  
10 would need to be encumbered by June of 2000. With the  
11 RMDZ, we do have the flexibility.

12 CHAIRMAN EATON: What I need your help on,  
13 at least your thoughts, is do we take some money from some  
14 of the other areas and put it in a bigger pool there and  
15 have someone come up with a media plan. There's \$100,000  
16 in terms of going up and down that the coastal districts  
17 on radio or television, as some of us in our past  
18 experience have purchased. Is that better than trying to  
19 go with a letter program or particular type of media spot,  
20 should we start a television campaign, all of those things  
21 because it will be the last push.

22 I don't know. I just think that I would  
23 like a little more meat on the bone. I also would like a  
24 little more money in there. I think Senator Roberti had  
25 some money overall on a media campaign, what we want to

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1 do, and that's the toughest one, and move forward what we  
2 want to do in the public affairs arena. I think there's a  
3 lot of talent on the Board and on the staff that have  
4 media saviness and media experience. We've all purchased  
5 or been involved with the purchasing of both electronic  
6 media as well as print media. I think there's some that's  
7 in here. I may be mistaken.

8                   There's \$525,000 in the modified, probably  
9 not enough to carry us through or anything. That is one  
10 area that we can discuss as we think about what we need to  
11 do, or maybe we don't, and if we need to bring it back in  
12 60 days, in January, with the defined media program and  
13 push.

14                   Public education program, I know that you,  
15 Ms. Moulton-Patterson, are very much interested in public  
16 education, but public education not only as it relates to  
17 schools. I just -- I'm struggling, so I really need some  
18 assistance or some discussion as it relates to that and  
19 I'll leave it there.

20                   BOARD MEMBER MOULTON-PATTERSON: Is now the  
21 time for questions or --

22                   CHAIRMAN EATON: Sure. Absolutely.

23                   BOARD MEMBER MOULTON-PATTERSON: Just again  
24 be patient with me. As you know I'm brand-new, but have  
25 we worked -- obviously we have to have money to develop

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1 spots, but have we worked with the cable industry? My  
2 background is from cable. I spent five years there and I  
3 know there's public service announcements, and working  
4 with the cable companies you can get a lot of free spots.  
5 Have we done anything like that in the past?

6 MS. FISH: Let me direct your question to  
7 John Frith.

8 MR. FRITH: Good morning. John Frith of  
9 the Public Affairs office.

10 No, we haven't really had, at least in my  
11 tenure here, a PR budget in terms of the media. Back in  
12 the early part of the decade, there was a million-dollar  
13 contract with BBB Needham which did utilize broadcast  
14 media to try to get the message out in Bakersfield and  
15 Sacramento, as I recall. They did produce television  
16 spots as well as a wide variety of collateral print  
17 material. That was the last time that the Board really  
18 engaged in anything of that magnitude.

19 BOARD MEMBER MOULTON-PATTERSON: And I  
20 guess I was asking -- more obviously we would have to pay  
21 to have the spots produced, but working with the cable  
22 industry, you know, like for Aids walk, anything, anything  
23 that's a public service announcement, they're free, and I  
24 would certainly be happy to work with anyone on those  
25 because I think it's a real good opportunity for us to get

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1 our message out. I was just wondering if we had done the  
2 public service announcements that are free in the past.

3 MR. FRITH: We have done public service  
4 announcements. In this year's sponsorships that the Board  
5 approved about four or five months ago, there was a  
6 component from the Environmental Defense Fund that does  
7 include public service announcements, and I believe those  
8 are actually airing. The problem with PSAs, as you know,  
9 especially in the main markets, it is extremely difficult  
10 to get PSAs on the air just because there's so many  
11 repeating PSAs out there.

12 Cable is a different animal. You can get  
13 your spots on cable. Especially if you're trying to get  
14 your over-the-air networks, the major stations, FCC no  
15 longer requires the stations to do the same kinds of  
16 community service that they did prior to the  
17 telecommunications reform of the early '90s. It's really  
18 difficult to get those on the air in a large enough volume  
19 to really be noticed.

20 Another PSA campaign, before I forget,  
21 involves the Used Oil Program, and those PSAs were  
22 produced earlier this year with a number of organizations  
23 in Los Angeles, Ted Danson and some of the media  
24 celebrities that are committed to the environmental  
25 protection message, and those are also, I believe, airing

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1 even as we speak.

2 BOARD MEMBER MOULTON-PATTERSON: Thank you.

3 CHAIRMAN EATON: I think that the issues,  
4 at least how much should go in the pot, we want to decide  
5 what that should be or ask staff to come back in a certain  
6 amount of time and come up with a sort of media plan is  
7 the bottom line in terms of paid media, availability of  
8 free media.

9 One of the other things I think Arnie  
10 Sowell of my staff whispered in my ear is if we put X  
11 amount dollars in a pot, many of you probably heard  
12 through the rumor mill that because we are a specially  
13 funded agency, there's a number of our fellow agencies  
14 that like to look at our treasury from time to time and  
15 think it's public scrutiny of the legislature and ask for  
16 the money under Dan's leadership and others, and in my  
17 short tenure have gone and asked for the money right here.  
18 They want to do it another way. I guess fair is fair as  
19 I've learned. Perhaps maybe we ought to do the same thing  
20 because with the passage of SB 382, the bottom is \$10  
21 million. I cannot believe that we are in sync with  
22 recycling bottles and cans. That would be another thing  
23 to look at. And that's a good tidy sum that's in that,  
24 that we pay for media campaign in both the urban as well  
25 as the rural areas. I'm not sure we could buy media in

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1 Los Angeles or others with that fund, but we might think  
2 about those things as we go through.

3 Dan.

4 BOARD MEMBER PENNINGTON: I think those are  
5 all excellent ideas and I might suggest that we can't do  
6 it right now, but I think we ought to look at forming the  
7 foundation that we could put money into, and perhaps  
8 Department of Conservation and some of the industries who  
9 are involved in this effort so that we can increase the  
10 pot substantially or -- I know that CAW has a foundation  
11 and perhaps we could work with that to build that, but it  
12 might be a way for us to get more money into the pot and  
13 give some incentives for other people to put some money  
14 into the pot.

15 So I mean I guess the idea of setting aside  
16 some money so that we would have some money to do some  
17 sponsorships and some money to do some ads, but also take  
18 time to look into maybe doing a foundation.

19 BOARD MEMBER JONES: Mr. Chairman.

20 CHAIRMAN EATON: Mr. Jones.

21 BOARD MEMBER JONES: That's a unique idea,  
22 this 501C foundation. It probably makes a lot of sense to  
23 try to pool some of that DOC money. It also makes sense  
24 to have a media campaign that is -- a strategy, I should  
25 say -- of how are we going to effectively get our message

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1 as we are doing the final strokes. We have some things  
2 with SB 1066, and with the extensions that are coming  
3 along, it gives us the opportunity to talk about the year  
4 2000 but also in keeping this thing going. I think we  
5 focus so much on 2000 -- this law doesn't go away.

6 I would love to see Board Member Patterson  
7 working with staff and whoever else to come up with some  
8 kind of a strategy through working group and then come  
9 back and talk to us about what we may be able to do as far  
10 as promoting our message, as well as other messages, not  
11 in a shotgun effect, but in a targeted plan.

12 It makes sense to me, and I think at the  
13 same time working with whoever and come up and see if we  
14 can do this 501C foundation and see if there is some  
15 flexibility with the DOC to combine programs.

16 It's ridiculous that you drive down the  
17 street and you see buses that have curbside recycling, put  
18 your bottles and cans in here, and they're procluded from  
19 talking about other materials that are at the curb because  
20 they're not CRV. So it would seem to me that if we could  
21 negotiate something with them and pool our money, that  
22 might give them the opportunity to talk about more than  
23 just bottles and cans. They may be procluded from talking  
24 about more than bottles and cans. And I don't know that  
25 to be a fact. I'm surmising, but we may be able to do

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1 some combinations there and it makes sense. I think it's  
2 worth a try. We've got time.

3 CHAIRMAN EATON: I believe one of the more  
4 successful campaigns was, and I think this was the  
5 Department of Conservation, was Danny De Vito and Rhea  
6 Pearlman a couple of years ago. I think there was a  
7 dueling duet about recycling. I think those were DOC  
8 commercials. I may be mistaken. I don't think we're  
9 going to be able to afford such as Department of Health  
10 Services in their anti-smoking campaign budget. I don't  
11 think we're going to get anywhere near that, although if  
12 we could find a way. I guess with smoke, perhaps tire  
13 fire smoke. I'm not sure. It's a stretch or something  
14 like that, but -- I didn't mean to divert the Board's  
15 attention away from other questions that you may have, but  
16 I did want to get that out because I was just thinking  
17 about it.

18 I think we should be looking forward as  
19 well as what's right before us, and we have now, I think,  
20 a good group of individuals here who not only understand  
21 the problematic side of it, but also what it takes to sell  
22 our programs in our task, hopefully the Governor's task as  
23 well, because I know that as we get more and more  
24 inquiries, we're having to be more and more sensitive as  
25 to the greater impact from his leadership as well, and

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1 we'll see that and we should be able to present him with  
2 something for them to review and to look at, and that's  
3 the important thing.

4                   So with enough pontification and stuff like  
5 that, but are there comments on any of the projects here  
6 or issues raised within some of the categories? If we  
7 were to adopt a similar or the modified schedule, I  
8 believe that would leave us with a balance of \$39,734  
9 in --

10                   BOARD MEMBER ROBERTI: If we adopted what?

11                   CHAIRMAN EATON: If we moved through and  
12 just sort of stay within the parameters. In other words,  
13 we may move dollars around in each of the programs, but if  
14 that were the spending cap that we spent, it would come  
15 out to, I believe, that in the RMDZ fund we would be  
16 spending somewhere around \$4,926,000 out of \$4,940,000.

17                   So that would leave a \$14,000 little sort  
18 of balance, and then the IWMA would have a balance of  
19 \$39,000. Whereas you remember when we first were  
20 presented the concepts generally a couple of weeks ago, we  
21 had \$10 million in requests, \$4.9 million available, and a  
22 deficit of \$5.6 million. So I'm using that in terms of  
23 the category. We may want to take and put things that  
24 were deleted or dropped or what have you. At least that  
25 gives us a starting point from which to balance our books

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1 and also look at some of the direction that we as a Board  
2 want to go.

3 BOARD MEMBER ROBERTI: Does staff have  
4 before us a staff agreed-upon suggested list?

5 CHAIRMAN EATON: I think that I don't want  
6 to --

7 MS. FISH: If you look up on the screen,  
8 what we've done is put in the alternate proposal and  
9 they're kind of grouped by category. We can't display the  
10 entire list at one time, but you can see what's being  
11 proposed, and maybe if we took it category by category,  
12 you could see what's being proposed for organics and then  
13 move on accordingly, if that would help.

14 BOARD MEMBER ROBERTI: Okay. Thank you.

15 CHAIRMAN EATON: And that's the sheet  
16 that's in front of us. Generally, I think we can look at  
17 it -- if individual Members that may have either looked at  
18 some of the ideas that we've had to do.

19 MS. FISH: So what is in the first column  
20 is what was originally requested relative to the IWMA and  
21 the RMDZ; and then in the remaining two columns, you see  
22 what is now being proposed. In the column to the far  
23 right, you see some alternate funds being proposed that  
24 could augment the original concept or at least fully fund  
25 a concept at near or close to its original amount.

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1 BOARD MEMBER JONES: Mr. Chairman.

2 BOARD MEMBER PENNINGTON: So in other  
3 words, under organics, \$2,000; Grasscycling Outreach --  
4 I'm sorry -- down to park model program, you have \$290,000  
5 coming out of the RMDZ -- \$290,000 is requested and you've  
6 got \$255,000 coming out of the RMDZ and \$35,000 from  
7 Project Recycle to get to the \$292,000; is that correct?

8 MR. FIRTH: Yes. That's the proposal.

9 MS. FISH: In that particular concept,  
10 there was \$35,000 that was allocated to do an interagency  
11 agreement with General Services to implement a model  
12 program at Capitol Park, and it was determined that that  
13 would be an appropriate expenditure from Project Recycle  
14 dollars.

15 BOARD MEMBER PENNINGTON: I'm sorry I  
16 stepped on you.

17 CHAIRMAN EATON: That's all right.

18 Mr. Jones.

19 BOARD MEMBER JONES: Mr. Chairman, I don't  
20 know what list this is. I don't have a problem with some  
21 of this stuff. On the grasscycling, for a little bit of  
22 history, City of L.A. came to me two and a half years ago,  
23 I guess it was, to ask if we would put a program together  
24 to help them because they were spending \$90 a ton to  
25 collect it and compost it. We did a regional program with

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1 Orange County, L.A. County, but what we did is we went to  
2 electric mulching lawnmowers and we used money from the  
3 oil fund as a pollution prevention measure to start the  
4 seed on this thing. We got the Air District involved,  
5 South Coast Air District was involved, Edison, PG and E,  
6 the mower manufacturers and that. First year was okay.  
7 Second year, we funded it out of RMDZ. It was not a  
8 wonderful program, but they got some benefit out of it.

9 But we also funded a grasscycling program  
10 in Riverside, San Bernardino and Imperial County, I think.  
11 Imperial may not be in there, but I know it was San  
12 Bernardino and Riverside. I think this year if we're  
13 going to do the third year of this program, we ought to  
14 look at devoting some of those program dollars to northern  
15 California because they've got grass growing there, too.

16 BOARD MEMBER ROBERTI: Interestingly  
17 enough, now that you raise that, my first month or second  
18 month on the Board, I was in Orange County and spoke to  
19 their waste management people, and it was interesting.  
20 They told me that mulching lawnmowers do much better in  
21 northern California than in southern California. They  
22 seem to be a little disappointed with the program because  
23 people don't mow their lawns. They hire gardeners --

24 BOARD MEMBER JONES: Right.

25 BOARD MEMBER ROBERTI: -- in Orange County

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1 and L.A. County, whereas in Sacramento, it's what you do  
2 on the weekend.

3 BOARD MEMBER JONES: Right.

4 BOARD MEMBER ROBERTI: And the figures were  
5 just enormous, staggeringly different as to the number of  
6 lawnmowers, mulching lawnmowers that were sold in  
7 Sacramento as opposed to Orange County. I suspect L.A. is  
8 about the same. I wouldn't be adverse to sending some of  
9 the money to northern California --

10 BOARD MEMBER JONES: Yeah.

11 BOARD MEMBER ROBERTI: -- and maybe we  
12 should look at some other options for southern California.  
13 Maybe this was an anomaly, but the woman -- I can't  
14 remember her position -- explained it to me and seemed to  
15 be making a lot of sense as to what the dominant cultures  
16 are in various areas.

17 BOARD MEMBER JONES: We tried to go after  
18 the -- we brought in the gardeners' associations and stuff  
19 into those meetings because we knew that's where the thing  
20 was. But I think this wasn't the case of the State  
21 saying, "Here, you need to do this." They came to me  
22 specifically and said, "We need your help. We need to get  
23 some money." This was their program that we help fund.  
24 And like you say, they talk about dichondra and they talk  
25 about all this other stuff and they don't think they get

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1 the bang for the buck. So if \$300,000 is the right  
2 number, that's fine. If it isn't, if it has to be  
3 \$200,000, I can live with that.

4 I have one other thing I want to mention.  
5 On the compost outreach and those types of things, I want  
6 to continue to fund that, but we have a -- we keep funding  
7 programs to help generate markets. We do it as a pilot  
8 program to see if we can generate interest, but if we  
9 never step back from that funding, how do you know if your  
10 efforts are successful? How do you know if the seed money  
11 that you've given people to promote an industry and  
12 promote use is effective if you just continue to  
13 subsidize? I don't necessarily want to not subsidize this  
14 compost outreach this year, but I want to plant a seed  
15 because at some point you have to see if your program is  
16 effective, and the only way you know if it's effective is  
17 if people are doing it out without our subsidy.

18 BOARD MEMBER PENNINGTON: Mr. Chairman, I  
19 certainly agree with Mr. Jones. That's one of my concerns  
20 about our rubber mat program, is that we finance the  
21 development of the program and finance the company in  
22 buying the equipment and now we're out there subsidizing  
23 the purchase of it.

24 At sometime or another, they have to become  
25 sustainable on their own. Incidentally, they are

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1 sustainable on their own in other states. The  
2 manufacturer sat here and told us one time he gets no  
3 subsidy on his product in other states, but he uses a  
4 subsidy in California.

5                   It doesn't make sense. Mr. Jones is right.  
6 We do have to withdraw that subsidy at some point to see  
7 if the product can make it on its own, and I'm sure  
8 composting can.

9                   CHAIRMAN EATON: I think --

10                  BOARD MEMBER PENNINGTON: Mr. Chairman, can  
11 I ask if we can start to move --

12                  CHAIRMAN EATON: Absolutely.

13                  BOARD MEMBER PENNINGTON: -- maybe take the  
14 organics and move that, if nobody has any problems with  
15 it, and I would be happy to take the lead and offer a  
16 motion that we approve --

17                  BOARD MEMBER ROBERTI: Could I just  
18 interrupt you for a moment?

19                  CHAIRMAN EATON: Sure.

20                  Senator Roberti.

21                  BOARD MEMBER ROBERTI: Just a suggestion.  
22 Maybe it would be easier, just a thought, is if anyone of  
23 us has a disagreement with something too much or too  
24 little, sort of get that out in the open first so we can  
25 sort of see the whole picture a little bit.

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1                   CHAIRMAN EATON: All right.

2                   BOARD MEMBER PENNINGTON: I will --

3 certainly the only comments I have is I was the one who  
4 was pushing for the grants for low and moderate income  
5 housing for sustainable buildings and I see we're in for  
6 \$400,000, which is fine. If when we go through here we  
7 find another \$100,000, that would be great. I'm pleased  
8 to be able to have that.

9                   The one change I would make in it is in the  
10 write-up, the term "home ownership" and I'd like to change  
11 that to "housing" so that some of the really good  
12 non-profits in the state could use this to do a  
13 multifamily dwelling. So we would have to change from  
14 "home ownership" to just "housing" and also the term "home  
15 ownership" in the next sentence to "individuals."

16                  CHAIRMAN EATON: Mr. Pennington, perhaps  
17 what we can do, and what we have done in the past, I take  
18 it generally you're fine with everything, and if we could  
19 find some more money for your program --

20                  BOARD MEMBER PENNINGTON: Right.

21                  CHAIRMAN EATON: -- but if you would like  
22 to provide staff direction, if that item is ultimately  
23 approved, to go in and look at that concept you just put  
24 on the record, then we can do that as well.

25                  BOARD MEMBER PENNINGTON: That's fine.

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1                   CHAIRMAN EATON: If that's something you  
2 want to do, we can give that direction, or any of the  
3 other projects that we as Board Members may have brought.  
4 If there's a specific kind of component in there that you  
5 want the staff to explore, then we can make that clear.  
6 Just to sort of reiterate, these come back to us --

7                   BOARD MEMBER PENNINGTON: Sure.

8                   CHAIRMAN EATON: -- as the actual contracts  
9 and they have another opportunity, but if you can provide  
10 that direction on the front side, that's great as well.

11                  BOARD MEMBER JONES: Going down the line.

12                  CHAIRMAN EATON: Mr. Jones.

13                  BOARD MEMBER JONES: Okay. I've got a  
14 couple things. On the showcase for recycled content  
15 building, I don't think I'll have a problem with that with  
16 one exception. I mean, I made my issues clear at the  
17 other meeting, but I think one thing that we have to be  
18 aware of and we need to condition this thing.

19                  In the letter they gave me today, they're  
20 talking about structurally rebuilding this building using  
21 used material. If their planning department and building  
22 department has not put in an ordinance to allow structural  
23 work to be done with recycled building material, it is not  
24 allowed by law, and I don't see any reference to that  
25 anywhere. So they may be asking for something that they

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1 can't provide because of their own ordinances, and nobody  
2 has told me if they've looked at that or not, but that's a  
3 law in the state of California. So if we did it, we  
4 should condition it.

5                   The other thing is the way they explain it  
6 in their letter of using materials and this and that, I  
7 don't have a problem with that. To move Urban Ore with  
8 taxpayer dollars bothers me, so I would say condition it  
9 with using that material. That is not a problem, but if  
10 it's going to go to move a for-profit business, that  
11 should not be an allowable expense just because they lost  
12 the lease.

13                   The other thing is --

14                   BOARD MEMBER ROBERTI: You mean to  
15 physically move?

16                   BOARD MEMBER JONES: Yeah. They've lost  
17 their lease. In the proposal that I got after the Board  
18 meeting, not even the day of the Board meeting, but I  
19 guess the next morning we got it. Part of the proposal  
20 had the profit and loss statement of Urban Ore which as  
21 soon as I read that, I'm going, "This is a \$550,000  
22 proposal to move a for-profit business." It doesn't make  
23 any sense to me. I don't see that anywhere else. But  
24 management talked to me and told me there was some  
25 problems. The letter that the Mayor sent clearly

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1 delineates what they plan to use that money for.

2                   The one thing that they didn't talk about  
3 was the Building Code issues. They can say they want to  
4 use recycled material for the structures, but if the  
5 building department hasn't allowed that in their Building  
6 Codes, they're procluded from doing it. That means they  
7 have to do virgin material. So I think that has to be a  
8 condition.

9                   They also explained they were going to use  
10 a lot of other materials. They had a prime and then they  
11 had substitute materials, and if that's what they use the  
12 money for -- or we should direct that our money be used  
13 for that and let them use Alameda County's money to move  
14 these guys. That would be getting our message across.  
15 And I don't have a problem with that and that would help  
16 that part of it.

17                   BOARD MEMBER ROBERTI: In other words, you  
18 want the showcase money to be used for showcasing.

19                   BOARD MEMBER JONES: Yeah, as opposed to  
20 moving. And then on mine that I put through, that I have  
21 to find, I had originally asked for a million seven to  
22 help jurisdictions, assist them in meeting the 50 percent  
23 goal. What the intent of that was originally to look at  
24 their numbers and their programs, and the more I thought  
25 about it, it was unfair to the 400 jurisdictions that had

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1 met the mandate to fund the 150 that have either snubbed  
2 their nose at it or played games with it.

3                   So I think that it makes more sense to cut  
4 that number down to about \$200,000,000 and offer it in  
5 grants incrementally. And we can discuss \$10,000,  
6 probably a \$10,000 to \$15,000 grant where the city matches  
7 it and they can do program evaluations. That would help  
8 minimize the available contract dollars to these  
9 consultants so they don't rip off the cities in doing  
10 these high-priced programs. They could go in, cut to the  
11 quick, see where their problems are.

12                   We had a city that was in front of us  
13 yesterday that we put on compliance order that has 65  
14 percent commercial and they don't have one program  
15 attacking the commercial wastestream. They have curbside  
16 recycling. They have buy backs. You know, so --

17                   BOARD MEMBER ROBERTI: It's amazing they  
18 can get away with that with their voters.

19                   (Laughter)

20                   BOARD MEMBER JONES: I think it's just they  
21 don't know. They don't have somebody there, pointing  
22 stuff out to them. So if we were to cut this down to --  
23 \$200,000 is fine with me. That offers those cities a  
24 little bit of money that they can match, and it also  
25 probably controls what the consultants can rip them off

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1 for, and hopefully they get valuable information. And I  
2 think it sends a positive message from this Board because  
3 we're in the middle of compliance orders and looking at  
4 those things, and here we're offering money to help  
5 jurisdictions figure out the problem. I think that makes  
6 sense.

7 I'll get through mine real quick. My last  
8 two, landfill operator training, which we had supported  
9 for \$50,000 will help pay to get that program started, and  
10 I would hope that we would find some more money.

11 The bioreactor project, which there's a  
12 thought here at \$400,000. \$400,000 works. If we had  
13 \$500,000, there's two pools of money, one from USEPA for  
14 \$250,000 that we would have to match, which this could be  
15 a match, and then State of California Trade and Commerce  
16 for Emerging Technologies up to \$250,000, which would make  
17 this a million-dollar program if we took advantage and  
18 had -- it could be an \$800,000 program, too, and still be  
19 successful. My -- I envision this to help in the cost of  
20 construction. Yolo County is one of the sites, Waste  
21 Management has identified four that might work, but it  
22 will help us.

23 What I really want to use the majority of  
24 the money for is not just helping construction, but to buy  
25 the equipment and the probes to get the data so that we

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1 find out if by using bioreactors we can eliminate gas in a  
2 quick enough time period so that we can move from a  
3 prescriptive standard, one-size-fits-all in the state of  
4 California, to a more tailored look at how we manage  
5 landfills in the state of California ongoing for the next  
6 generations. This data is critical to that. And if it  
7 doesn't work and we've spent half a million dollars to  
8 find that out, that's cool. If it does work, it's going  
9 to be monumental to what we can do, and it's different  
10 from what USEPA is. So those are mine.

11 CHAIRMAN EATON: Ms. Moulton-Patterson.

12 BOARD MEMBER MOULTON-PATTERSON: Thank  
13 you, Mr. Chair.

14 I had a few questions here. I certainly  
15 would be supportive of the low and moderate housing  
16 sustainable building site. I think that's a really great  
17 idea, and I also would like to speak in favor of the  
18 Chair's plan to have a comprehensive media program. I  
19 think we need to put enough money into that to make sure  
20 our message does get out.

21 Next year, I'd like to see even more money  
22 going toward projects with public education. I do  
23 understand that a lot of these will be affecting children,  
24 but I certainly would like to see even more public  
25 education money next year.

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1                   And then I did have a question of staff.  
2   On the California Heartland television series, I notice  
3   there's no money for that now and could you just -- I  
4   understand it's quite a history, this whole thing, and  
5   maybe you could fill me in a little bit about it.

6                   MS. TRGOVCICH:   Caren Trgovcich, Deputy  
7   Director of the Waste Management and Market Development  
8   Division.  I'll provide a very brief amount of  
9   information, but Bob Vice representing the California  
10  Heartland program is here and I would defer to Bob with  
11  respect to the broader information.

12                  The Board was approached last year to  
13  provide sponsorship funds to support specifically the  
14  California Heartland program.  We saw in that program a  
15  potential opportunity to affect our audience, which is  
16  dual, which is both the agricultural audience.  We see  
17  them, the agricultural end users, as the key to organics  
18  material management because where is it all going to go  
19  when it's finally composted or mulched?  It's not going to  
20  be all in our back yards, although we hope to use a good  
21  amount of it, but it's going to move back into  
22  agriculture.  And that program also hits the urban  
23  markets, and I believe it hits every single market within  
24  the state of California right now.

25                  But we provided those funds last year.

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1 There were four segments that were taped in this last  
2 year. We've been using those taped segments as we tour  
3 through the farm shows in the state. We've also been  
4 using those in terms of being able to pull together  
5 information for targeted audiences. It's my understanding  
6 that that programming is also being used to further  
7 additional educational purposes, which Bob can describe  
8 for you.

9 We also have a link on their web site where  
10 there is a specific identification for the Waste  
11 Management Board on the PBS, the Heartland web site, and  
12 we get a great number of hits associated with that program  
13 back into our system, and through our system they can then  
14 access all of the Board's information.

15 I don't know if you would like to hear from  
16 Bob now or if you want to wait.

17 CHAIRMAN EATON: We might as well since  
18 we're going over the subject.

19 Mr. Vice.

20 MR. VICE: Thank you. My name is Bob Vice  
21 and I'm the program coordinator for California Heartland.  
22 Thank you for an opportunity. I don't know to wear out my  
23 welcome. I was able to give a short presentation last  
24 week to your Board, but Ms. Moulton-Patterson was not  
25 there, and I'm glad to have an opportunity to address one

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1 more time.

2                   One of the things that we in PBS -- public  
3 broadcast certainly is high on is education. One of the  
4 things that we are doing that I didn't get a chance to  
5 mention to the Board last week, in addition to the 600,000  
6 or 2.5 million per month viewers that see these programs  
7 and the web site, which is a connection -- again, our hot  
8 link is now up to about -- I gave you the figure last week  
9 of 55,000. I checked this week. We're up to about 63,000  
10 hits per week on our hot line. Of that, about 5,000 to  
11 5,500 access your link from our hot link of the program  
12 if they want to know more about your message, which is a  
13 seven-second commercial, but in addition, if they want to  
14 know more about composting programs, they can do that  
15 through the hot link. Apparently people are doing that  
16 because those are the latest numbers.

17                   The other thing that I didn't get a chance,  
18 in addition to the media side of this -- because as was  
19 indicated, this year we kind of concentrated on four areas  
20 of composting where we did programs and got a lot of  
21 people that were interested in knowing more about those  
22 composting programs. But one of the things I think is  
23 really a benefit that I didn't get a chance to mention  
24 last week is what happens with these programs after  
25 they're aired.

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1                   From the beginning, we made available the  
2 tapes to the Ag in the Classroom Foundation, a foundation  
3 that's trying desperately to make sure there's one  
4 ambassador in every elementary school in California that  
5 can disseminate information to try to get teachers and  
6 students to understand a little bit about where their food  
7 comes from, how things work on the farm. We adopt  
8 teachers, take them to the farms. They go back in turn  
9 and are able to work with the classroom.

10                   These tapes go to Ag in the Classroom who  
11 disseminates those to about 2,600 schools throughout  
12 California on a weekly basis, and those programs then  
13 become part of their curriculum for teaching. So this  
14 year the children are going to have an opportunity to see  
15 four different programs about composting that they may not  
16 have had an opportunity, teachers or students, to have  
17 seen before.

18                   As I indicated to you last week, we're  
19 willing to work on this coming year if there's other areas  
20 that tie into programming that's beneficial to  
21 agriculture, whether it's the farm and ranch clean up or  
22 used oil. Whatever those programs are, we believe we have  
23 a network and a responsibility for the education from  
24 PBS's standpoint to be able to get those programs not only  
25 to a lot of people to see, but also to get those into the

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1 educational system where teachers and students get the  
2 benefit of those on a weekly basis, use those in the  
3 curriculum. So with that, if there's any questions, I'd  
4 be glad to try to answer them.

5 BOARD MEMBER MOULTON-PATTERSON: Thank you  
6 very much. I would just like to say that I hope we can  
7 find some funds for that through slit funds or incoming  
8 money or however it's done. It sounds like a good  
9 program. Thank you, and that's all the comments I have.

10 CHAIRMAN EATON: Senator Roberti.

11 BOARD MEMBER ROBERTI: Basically I like the  
12 list as has been compiled. I have a couple points because  
13 this is my chance to make them.

14 Number one, on a future IWMA list I would  
15 like to see some -- I think I mentioned this before --  
16 some attention to educating the public and manufacturers  
17 on the durability of products. I think that's very  
18 important. And I'm not pressing for it now, but I do hope  
19 that goes on our agenda.

20 Number two, which I'm not pressing for now  
21 but I hope goes on our agenda, is to try to increase the  
22 inculcation of conservation ethic in new Californians.  
23 It's a very sensitive thing to deal with because you don't  
24 want to give people the impression that you believe  
25 somehow they are less concerned about cleanliness than the

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1 rest of the world, and that's not the case. But what you  
2 aren't dealing with is -- conservation is an acquired  
3 taste. People just aren't naturally born or imbued with  
4 an idea, "Hey, we've got to conserve." And in California  
5 you deal with such a multiplicity of languages and people  
6 who come often from poor countries where you just haven't  
7 had the chance for the education of this acquired taste.

8                   So there has to be a sensitive way of  
9 dealing with this to the benefit not only of the people,  
10 especially the people themselves. So it takes time, it  
11 takes effort and a certain amount of understanding, but I  
12 hope we put this on our agenda. Maybe the increased use  
13 of the schools, because immigrant parents often in many  
14 ways learn from their kids. Not in all cases, but often  
15 that's the way it's done.

16                   So I really hope we begin to develop this  
17 program and have some time to work on doing it in a way  
18 that is sensitive but efficacious. That's number two.

19                   Number three, probably a more appropriate  
20 fund for these items -- and these are just basically pet  
21 peeves of mine, so you get to listen to those -- would be  
22 a household hazardous waste. So I'll probably wait on  
23 that.

24                   But in the event that we don't deal with  
25 that, I would like very much, if our household program

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1 doesn't deal with it, then to deal with the two issues --  
2 the proliferation of paint cans and antifreeze in private  
3 homes. Paint cans because the enormous problem, and if  
4 somehow we reduce the total number of paint cans in houses  
5 after my term on the Board is up, I think that would be  
6 great, almost as big an accomplishment as reducing the  
7 number of tires. Everybody's got it and --

8 CHAIRMAN EATON: Don't know how to get rid  
9 of it.

10 BOARD MEMBER ROBERTI: Don't know how to  
11 get rid of it. Most people know they ought to get rid of  
12 it. What do you do?

13 And another one is antifreeze, which would  
14 combine two issues that are important to me -- one,  
15 conservation, and two, animal protection -- and I think  
16 it's a great way of getting a bunch of pet owners to pay  
17 attention to a narrow area but an important area of  
18 conservation, and I think when we identify specific issues  
19 that can be very helpful to people in a very specific,  
20 definable way, we achieve something.

21 So I'm just throwing those out for future  
22 reference, which you're going to hear more from me on  
23 that, but this list is pretty good and I think we ought to  
24 go with it.

25 CHAIRMAN EATON: I'll put in my couple of

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1 cents. With regard to a couple of points that were raised  
2 by you, Senator, with regard to durability, one of the  
3 things we can do, because we talked about, whatever media  
4 campaign comes up, I think having an agenda item or  
5 however you want to proceed over the next six months and  
6 how you want to bring that forward in a much more  
7 comprehensive manner should not deter us from an immediate  
8 campaign in terms of it's not only recycling, but buying  
9 recycling products. We have that market aspect and that's  
10 what this RMDZ money was supposed to do. If you think  
11 that there's a way that we can sneak in the durability  
12 that if you buy this product, however we talk about the  
13 durability aspect of it, that is the way to initially get  
14 in; and not to say we wouldn't do the other, but to get a  
15 jump start on it. I think that's point one.

16                   And then with regard to -- and you should  
17 know history-wise. I was the lone vote against Heartland,  
18 and not because it had anything wrong with the program. I  
19 still go back and forth with it, but I think today if we  
20 put the money in a bundle and think how we want to divide  
21 it up, I still believe going into Kings County where we  
22 have a compliance order, using some of that money, and  
23 going into the areas of the minority communities down  
24 there, the second language communities, with radio and  
25 television ads and target, actually it's much more bang

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1 for our buck. That's a value judgment on my part. That's  
2 the position. It's nothing against anything. I think we  
3 can do that if we look at a more comprehensive media  
4 program, but that's what I'm looking for.

5                   The other thing I would like to be able to  
6 do is as we talk about new Californians or individuals who  
7 may not be plugged into the mainstream, you're right. It  
8 is so delicate because on the one hand, they are every bit  
9 as sophisticated as we are. They may not have had the  
10 exposure, and I think that's what you're trying to get at.  
11 Is there a way that the staff can be directed,  
12 Mr. Chandler, to come back? We had numerous programs. I  
13 think there was a used oil program in Napa Valley for  
14 changing oil that was directed to the smaller communities  
15 over there with some of the farm workers and some of those  
16 programs. If we could as a Board for an informational  
17 item maybe see what we have done in the past and therefore  
18 we'll know how sufficient, or how much further we have to  
19 go at some point. Would that be okay with you, Senator,  
20 just as more of an educational -- not to defer.

21                   BOARD MEMBER ROBERTI: Sure.

22                   CHAIRMAN EATON: With that, I don't have  
23 any more to say other than one other staff direction I  
24 would like to ask with this allocation, that  
25 traditionally -- and Dan, correct me if I'm mistaken -- we

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1 come back in April or May. A lot of these items that we  
2 vote on today, the contract concepts, for whatever reason  
3 the contract can't be secured, the matching funds fall  
4 through, et cetera, we normally come back and do a  
5 reallocation in May or April.

6 MS. FISH: April.

7 CHAIRMAN EATON: Is there a way we can look  
8 to get a better idea in March, because that may put more  
9 money in public education, more money in media campaign,  
10 more money in the housing, bioreactor. That would be  
11 areas to look at. If we're not going to be able to get  
12 the money secured, that would be for us as a Board to be  
13 able to go back through. Now, there may be logistical  
14 things or whatever, so that would be the only other --  
15 that would be my addition to it.

16 If we can't spend it, let's know early on  
17 and not try and beat our brains because there's other  
18 things that need extra money that are already in here.

19 Ms. Fish, I know you're anxious to speak.

20 MS. FISH: Well, I would like to talk about  
21 that as well as add a commercial for my staff. We are  
22 very late in the year in doing the contract concepts, and  
23 it is our hope that not only could we come back with maybe  
24 a reallocation item for those things that came in for  
25 maybe -- or for some reason couldn't be funded, but also

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1    come forward with next year's allocation.

2                   We'll have similar amounts in both the IWMA  
3    and the RMDZ, and so in order to maximize our efforts and  
4    give staff a full year to encumber the money, we would  
5    like to come back as early as March with the reallocation  
6    item, as well as ask the Board to allocate the next year's  
7    money.

8                   CHAIRMAN EATON: I would caution you that  
9    the directive that was given to us by both the legislative  
10   budget committees that the first two were free, the third  
11   one is not. The allocation that's coming up is going to  
12   have much more legislative hand print, and you were with  
13   me. That time they gave us the money, the first time.  
14   This is the money the second time. There's money for a  
15   third time, but they did indicate to us that they were  
16   going to -- so I don't have a problem in saying this is  
17   proposed how we do it, but that's going to be about the  
18   time we do budget, so that may also -- if you remember,  
19   they were the ones there.

20                   I think that's fine to do that, but the one  
21   would be, I think, how do -- we would want to probably say  
22   it is much like we do with the tire allocation. It's a  
23   proposed allocation for the third department.

24                   If there's no -- I have no further slips at  
25   least on this. Without any other comment, perhaps a

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1 motion approving.

2 BOARD MEMBER PENNINGTON: Mr. Chairman.

3 CHAIRMAN EATON: Mr. Pennington.

4 BOARD MEMBER PENNINGTON: I've got a couple  
5 of questions of staff.

6 CHAIRMAN EATON: Sure.

7 BOARD MEMBER PENNINGTON: On the 2000  
8 grasscycling outreach campaign, Mr. Jones indicated that  
9 maybe we could do that on \$200,000. Can we move \$100,000  
10 of that to the bioreactor?

11 MS. TRGOVCICH: The \$300,000 that is  
12 proposed would fund three campaigns. What we saw last  
13 year was that we averaged approximately \$100,000 per  
14 campaign. You can certainly move \$100,000. That then  
15 reduces the number of campaigns to two.

16 I will tell you that we were -- in terms of  
17 the northern California campaign issue, we were in  
18 conversations with Santa Clara as well as the Bay Area,  
19 which Santa Clara is a part, but the two were separate  
20 conversations. We're in conversations with Sacramento as  
21 well. We've also received inquiries from several southern  
22 California cities, so there is interest in that money. By  
23 moving \$100,000, that would reduce the number of campaigns  
24 to two.

25 BOARD MEMBER PENNINGTON: Could it go to

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1 landfill bioreactor project grant program?

2 MS. TRGOVCICH: I think the issue there,  
3 too, is you're looking at monies from the RMDZ account,  
4 and it's my understanding the budgetary control language  
5 may not support funding for that activity.

6 BOARD MEMBER PENNINGTON: Okay.

7 BOARD MEMBER JONES: I have a question on  
8 that. You identified that \$300,000 does three programs.

9 MS. TRGOVCICH: Approximately, if we look  
10 at last year's average.

11 BOARD MEMBER JONES: But we did the first  
12 program in L.A. with only about a \$150,000 oil money for  
13 L.A. and Orange County.

14 MS. TRGOVCICH: But that program, as you  
15 said yourself, was not terribly successful, and what we've  
16 done is built on the models from Inland Empire and the  
17 others to try to get a program with the contributions from  
18 the local level. And this is about the average that we  
19 found. We may be able to modify that.

20 BOARD MEMBER JONES: All I'm trying to say  
21 is that when you look at the money and say we can only do  
22 two, it tells me you've preconcluded that it's going to be  
23 \$100,000 a project. Sacramento does theirs with SMUD and  
24 other agencies, and, you know, if you identify that  
25 \$100,000 is going into each one of these programs, it kind

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1 of precludes us from getting other agencies involved to  
2 help pay for it.

3 MS. TRGOVCICH: We've certainly sought the  
4 other agency support. All we're going by is a last year  
5 average. It may well be that a Sacramento campaign will  
6 cost \$35,000 or \$45,000. We don't know. We're just  
7 gauging it by last year's track record.

8 CHAIRMAN EATON: Your other point,  
9 Mr. Pennington?

10 BOARD MEMBER PENNINGTON: We could then, as  
11 long as we kept it in the same fund, if we took \$100,000  
12 out of that, we could put it into the housing; correct?  
13 Okay.

14 And the other question is could we fund the  
15 California Heartland out of the statewide PR campaign and  
16 sponsorship contract?

17 CHAIRMAN EATON: You could do that if you  
18 wanted to, absolutely. What I have asked, and hopefully  
19 you will agree, is that we look at a coordinated media  
20 strategy of which that would be a component that would be  
21 added therein and just leave it that way.

22 BOARD MEMBER PENNINGTON: That's fine.

23 CHAIRMAN EATON: So without anything, I  
24 would move that we adopt the modified allocation schedule  
25 with the appropriate direction as explained by

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1 Mr. Pennington in his comments, Mr. Jones in his comments,  
2 Ms. Moulton-Patterson in her comments, Senator Roberti  
3 obviously in terms of his comments. And with that, I'll  
4 look for a second.

5 BOARD MEMBER PENNINGTON: I'll second.

6 CHAIRMAN EATON: All right. Mr. Eaton  
7 moves and Mr. Pennington seconds that we adopt the  
8 modified allocation schedule.

9 Madam Secretary, please call the roll.

10 BOARD MEMBER JONES: Can I ask a question?

11 CHAIRMAN EATON: Mr. Jones.

12 BOARD MEMBER JONES: Was this modified  
13 schedule to do \$200,000 for grasscycling, put another  
14 \$100,000 in sustainable building for low and moderate, or  
15 is it to leave it at \$400,000 and \$300,000?

16 CHAIRMAN EATON: Leave it the way it  
17 currently exists right now. That would be a substitute  
18 motion.

19 BOARD MEMBER PENNINGTON: Well, perhaps  
20 I'll make a substitute motion, just to get a feeling from  
21 the Board, that we move \$100,000 from the grasscycling  
22 program to the low and moderate income housing.

23 CHAIRMAN EATON: Before we do a motion,  
24 why don't we just see if any of the colleagues --

25 BOARD MEMBER PENNINGTON: Sure.

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1                   CHAIRMAN EATON: That way we eliminate the  
2 need to do two motions and just do the one motion with  
3 that.

4                   BOARD MEMBER PENNINGTON: Okay.

5                   BOARD MEMBER ROBERTI: That leaves  
6 grasscycling with how much?

7                   BOARD MEMBER PENNINGTON: \$200,000 for  
8 grasscycling and \$500,000 for the low and moderate income  
9 project.

10                  BOARD MEMBER MOULTON-PATTERSON: Just a  
11 clarification. I'm going to be voting for the motion, but  
12 at some point -- I'm still on this Heartland thing. Could  
13 we look at some point -- could staff come back with maybe  
14 could it fit into Project Recycle or something like that?  
15 If I vote yes, does that mean it's out?

16                  CHAIRMAN EATON: No, not at all.

17                  BOARD MEMBER MOULTON-PATTERSON: Could it  
18 be a part of the comprehensive media plan?

19                  CHAIRMAN EATON: And I perhaps was remiss.  
20 What I should have said as it relates to the modified  
21 motion is that -- and I would be happy to delay the  
22 vote -- that with regards to public affairs, we're just  
23 allocating a lump sum of money.

24                  BOARD MEMBER MOULTON-PATTERSON: Okay.

25                  CHAIRMAN EATON: And that staff should be

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1 directed to bring back not only proposals as it may be,  
2 but a comprehensive media strategy of which hopefully all  
3 the Board Members will be in. That way, there's no harm,  
4 no foul.

5 BOARD MEMBER MOULTON-PATTERSON: Okay.  
6 That's fine.

7 CHAIRMAN EATON: And I'm sorry,  
8 Mr. Pennington. Is there anyone who has concerns about  
9 Mr. Pennington's move which would simply be -- the  
10 adjustment there would be taking \$100,000 from the  
11 \$200,000 grasscycling and putting it into low and  
12 moderate. Senator Roberti?

13 BOARD MEMBER ROBERTI: Fine with me.

14 CHAIRMAN EATON: Let me recap  
15 Ms. Moulton-Patterson's comments as well.

16 BOARD MEMBER PENNINGTON: Fine. Thank you,  
17 Mr. Chairman, for indulging me.

18 CHAIRMAN EATON: It saves us a motion  
19 actually.

20 I would move that we adopt the modified  
21 summary of contract concepts for the fiscal year 1999 and  
22 year 2000, and that the only adjustment would be made that  
23 in Concept Number 25, the 2000 grasscycling outreach  
24 campaign, that the sum of \$300,000 be reduced to \$200,000;  
25 and that the \$100,000 that would remain there that was

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1 taken away from Contract Concept Number 25, that \$100,000  
2 be added to Concept Number 53, sustainable building grants  
3 for low and moderate income housing, that it be raised to  
4 \$500,000.

5 In addition, as it relates to the public  
6 affairs, there was no prejudice with regard to either  
7 Heartland or any other program, and that the money that  
8 would be allocated within that category be done in a lump  
9 sum and that staff should bring it back as soon as  
10 possible and consult with each and every Board Member in  
11 whatever way to get their input for a comprehensive media  
12 strategy.

13 BOARD MEMBER PENNINGTON: I second that.

14 BOARD MEMBER JONES: Mr. Chairman, just a  
15 question on the motion. The issues I brought up about the  
16 Berkeley thing with looking at the Building Codes and  
17 those things, were those acceptable to the Members that  
18 they use them for sustainability?

19 BOARD MEMBER PENNINGTON: Absolutely.

20 BOARD MEMBER ROBERTI: Yes. That could be  
21 incorporated in the motion.

22 BOARD MEMBER JONES: Right.

23 CHAIRMAN EATON: And that the direction of  
24 Members' comments be incorporated therein into the motion.

25 Mr. Eaton moves and Mr. Pennington seconds

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1 we adopt contract concepts for the fiscal year 1999-2000.

2 Madam Secretary, would you please call the  
3 roll.

4 BOARD SECRETARY: Board Members Jones.

5 BOARD MEMBER JONES: Aye.

6 BOARD SECRETARY: Moulton-Patterson.

7 BOARD MEMBER MOULTON-PATTERSON: Aye.

8 BOARD SECRETARY: Pennington.

9 BOARD MEMBER PENNINGTON: Aye.

10 BOARD SECRETARY: Roberti.

11 BOARD MEMBER ROBERTI: Aye.

12 BOARD SECRETARY: Chairman Eaton.

13 CHAIRMAN EATON: Aye.

14 Okay. Ladies and gentlemen, that  
15 concludes our business as for regular scheduled agenda  
16 items.

17 Ms. Court Reporter, do we need a break? We  
18 have one public comment, Mr. Atkinson. Mr. Atkinson,  
19 approximately -- and I'm not trying to limit you on your  
20 public comment, I'm just trying to get a sense of whether  
21 or not the reporter, who has been working for some hour  
22 and a half now needs to have a break, or if your comments  
23 will be confined. And I'm not trying to confine your  
24 comments.

25 BOARD MEMBER JONES: Five minutes.

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1                   BOARD MEMBER PENNINGTON: Five  
2 minutes.

3                   CHAIRMAN EATON: Please come forward. In  
4 our public comment, we have one speaker slip, Carl  
5 Atkinson.

6                   Members, while Mr. Atkinson is coming up,  
7 just thank you for your cooperation and staff's  
8 cooperation. It's always difficult when you allocate  
9 money, but I think we have acted not only in a responsible  
10 manner, but far beyond what I ever thought could be  
11 pushing the envelope with some of the ideas. I don't mind  
12 reallocating monies and stuff when we have the challenges  
13 that we do, and I'm just excited. I see there's a lot of  
14 different stuff here and just keep it moving.

15                  Mr. Atkinson.

16                  MR. ATKINSON: Good morning.

17                  CHAIRMAN EATON: Good morning.

18                  MR. ATKINSON: It's a lovely place. I like  
19 San Luis Obispo, actually. I have to start by saying  
20 thank you, Mr. Jones, for visiting my site during this  
21 tumultuous start.

22                  BOARD MEMBER JONES: Start by identifying  
23 yourself.

24                  MR. ATKINSON: Start by identifying  
25 myself.

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1 BOARD MEMBER JONES: Then you can thank me.

2 MR. ATKINSON: The problem is this is going  
3 to get carried away. I have a tendency to be heard  
4 throughout the state.

5 My name is Carl Atkinson and I am Wheels Et  
6 Cetera, newly approved for a permit tire dealer. I  
7 started by saying I wanted to thank you for visiting my  
8 site, although I don't know what effect you had. I can  
9 tell you that the staff was substantially more cooperative  
10 in the last few days of this problem that I've been  
11 dealing with.

12 After the emergency regulations were  
13 placed -- were in place in June, I think of last year, I  
14 submitted reasonably complete applications for each of two  
15 distinctly separate businesses. I had established those  
16 two businesses over several years, have fictitious name  
17 reports filed, have all types of evidence of using  
18 different systems in invoicing and so forth for the  
19 difference between wholesale and retail in the business  
20 location that I have in Fontana. I also -- I'm sorry, two  
21 separate businesses that I operated for the past 25 years,  
22 15 years of that at the above location.

23 I also submitted a reasonable plan for  
24 reducing the tires stored on the property adjacent to the  
25 above address. This standard is allowed in your policy

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1 and is posted on your web site under "enforcement." A  
2 copy of that is available if anybody would like to see it.  
3 I brought it with me, printed it last night.

4 When those applications were rejected on  
5 the infamous December 7th, 1998, I immediately notified my  
6 regular customers I was no longer able to buy their used  
7 tires. I stopped completely the practice of buying tires  
8 from such customers as Penske, California National Guard,  
9 US Navy and the Marine Corps.

10 On the 29th of December, I was served with  
11 an abatement order to move all the tires I had accumulated  
12 over the 25 years by the 31st of December. That's two  
13 days, 48 hours. I was able to convince the staff that two  
14 days' notice was not reasonable, and an extension of 30  
15 days was granted along with assurance that the staff would  
16 continue to monitor and cooperate with the plan to reduce  
17 the number of tires on the three separately identified  
18 locations.

19 I submitted hard proof in the form of  
20 manifests that over 100,000 pounds of tires of various  
21 size had been removed in each month in January and  
22 February, and that a sufficient reduction could be made by  
23 September. This is noticed in an administrative complaint  
24 that was issued in March.

25 UNIDENTIFIED STAFF MEMBER: It's probably

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1 an automatic timer because the City has a three-minute  
2 timer.

3 MR. ATKINSON: No, it's somebody looking to  
4 get ahold of me. They've been trying to reach me all  
5 morning.

6 (Laughter)

7 CHAIRMAN EATON: Everyone wants to talk to  
8 you today.

9 MR. ATKINSON: No, actually, they don't.

10 (Laughter)

11 MR. ATKINSON: An administrative complaint  
12 was issued in March without any evidence of negotiation or  
13 consideration of the statements and action made by me,  
14 statements that I would see to it the tires were gone by  
15 September or reduced sufficiently to apply for a permit,  
16 or evidence that I had proved that I was doing exactly  
17 what I said I would do.

18 At the end of June, the Board recognized --  
19 that's June of 1999, this year, the Board recognized that  
20 used tire dealers were being burdened with regulations  
21 that were counterproductive to your goals as well as to  
22 their own, and made a resolution to postpone enforcement  
23 in this area at least until the suggested proposed permit  
24 regulations were decided.

25 Unfortunately, no one would make a decision

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1 as to how this resolution affected my situation at the  
2 time. I had to make a decision that expired on the 7th of  
3 July. I did not get a resolution. In fact, I'm not sure  
4 that any of you actually had an answer to that until  
5 sometime shortly after the 7th of July, but I understand  
6 that that resolution suggested that enforcement be  
7 suspended on those people that were similarly situated as  
8 I after the first of July, and that would have resolved  
9 this particular problem.

10                   It didn't change my resolve to continue  
11 removing the tires, but that would have changed the  
12 stipulation that I signed under significant pressure. I  
13 signed a stipulation under pressure and with professional  
14 advice, which I didn't question, until I found that others  
15 in my situation did not face this process or their process  
16 was postponed. I had planned to bring names of those  
17 others here with me and found that that may not serve my  
18 purpose to the extent that I hope this does.

19                   Since that time, I have put my money where  
20 my mouth is and have given away or paid to dispose of more  
21 than \$100,000 worth of used tire inventory and had a  
22 completed application accepted by the staff, along with  
23 reasonable assurance that a permit is to be issued  
24 possibly as early as November of '99. It is my belief  
25 that this entire process is counterproductive and

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1 disruptive, both in my operation and to the Board's  
2 purpose.

3 I believe that I proved that I could do  
4 what I had promised to do before the stipulation, and that  
5 the Board can and should set aside the entire agreement  
6 starting with the complaint. At the very least, even the  
7 playing field by setting aside the insult of the \$1,000  
8 fine which remains to be paid by me for something that I  
9 believe should have never happened.

10 Thank you.

11 CHAIRMAN EATON: Thank you.

12 Mr. Jones.

13 BOARD MEMBER JONES: Mr. Eaton, just for a  
14 little history. Mr. Atkinson has been involved in the  
15 tire regs since day one. When they first were going to  
16 exclude used tire dealers and there was a deal made in the  
17 legislature, they were given an exclusion, then we later  
18 gave away the exclusion.

19 He's a used tire dealer. I went and looked  
20 at his site. I've got to tell you, quite frankly, it  
21 reminded me of us trying to go into a grocery store and  
22 telling them they can only have 40 bags of Lay's potato  
23 chips on the counter and that doesn't make sense. He's  
24 gotten a lot of tires out of there. That makes sense.

25 Tires were marked of what he paid for them,

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1 and as he was loading the trailer, they had a little razor  
2 blade so they would slice the side walls so that whoever  
3 was hauling his tires couldn't take them and sell them as  
4 used tires. And he did three trailers of those. We, all  
5 of us, except Linda Ms. Moulton-Patterson, asked our staff  
6 not to enforce those regulations until we worked through  
7 this thing.

8                   He got a stipulated order about a month  
9 before that to pay a \$1,000. He's just moved out 100,000  
10 pounds of tires which is 5,000 tires a month that he had  
11 already paid for, and it doesn't make sense that we're  
12 going to hold him to a \$1,000 fine after he's probably  
13 lost an incredible amount of money and has changed the way  
14 he operates to comply with our laws and regulations.

15                   He had asked me to talk to the Board. I  
16 suggested to him he needed to talk to the Board himself,  
17 and so he came up from San Bernardino to make this pitch.

18                   MR. ATKINSON: Thank you, Mr. Jones.

19                   CHAIRMAN EATON: Thank you, Mr. Jones. And  
20 if there's no further comment, I would just like to say  
21 thank you to all of my colleagues for the work,  
22 Ms. Moulton-Patterson for the effort she made to get here  
23 under less than desirable circumstances. Also, all the  
24 staffs of all the Board Members who worked hard, and our  
25 own staff who brought the proposal for the contract

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1 concepts to get here. It was a long time.

2 Also, Violet Covington, who is new with us  
3 and it's her first out-of-town Board meeting, she did a  
4 wonderful job. Thank you. Lisa, thank you. And Terri,  
5 thank you for indulging us this morning, and now you can  
6 have a break for the rest of the day.

7 With that, I will adjourn.

8 BOARD MEMBER PENNINGTON: Mr. Chairman.

9 CHAIRMAN EATON: Mr. Pennington.

10 BOARD MEMBER PENNINGTON: Before we  
11 adjourn, though, is there going to be any resolution to  
12 this problem?

13 CHAIRMAN EATON: I think the problem -- I  
14 don't know. I would defer to legal counsel. If it's in a  
15 hearing, I'm not sure. As a Board, we may be able to  
16 comment, we may be able to listen, but in terms of taking  
17 action, I think it's a formal process. I may be mistaken  
18 so I will defer to legal counsel.

19 BOARD MEMBER PENNINGTON: I would just like  
20 to know.

21 MS. TOBIAS: Because Mr. Atkinson has come  
22 on the public part of the agenda, the Board can instruct  
23 us to bring forward another item, if you would like. You  
24 can't really discuss it today because it's not agendized.  
25 So we can either bring an item forward. I'm prepared to

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1 address you in closed session on the pending litigation  
2 aspect of this, which I think we have different facts and  
3 a different conclusion.

4 Those would be two of the choices.

5 BOARD MEMBER PENNINGTON: Okay. Thank you.  
6 Thank you, Mr. Chairman.

7 CHAIRMAN EATON: Thank you.

8 BOARD MEMBER JONES: Is the penalty by us,  
9 \$1,000 fine issued by the Waste Board?

10 MS. TOBIAS: It was a stipulated  
11 settlement.

12 BOARD MEMBER JONES: Between the Waste  
13 Board and Mr. Atkinson.

14 MS. TOBIAS: Correct.

15 BOARD MEMBER JONES: So if we wanted to  
16 have an item, an agenda item, we could do that.

17 MS. TOBIAS: You can agendize anything,  
18 and any of the Board Members can put any item on the  
19 agenda that you want.

20 MR. ATKINSON: Can I ask to have it  
21 agendized?

22 MS. TOBIAS: No. The Board Members need to  
23 be able to put it on.

24 BOARD MEMBER JONES: All right. I'll  
25 move -- I want to see it on the agenda.

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1 MS. TOBIAS: Do you want to see it on the  
2 agenda or do you want to have it addressed in closed  
3 session as pending litigation? If it's put on the agenda,  
4 then basically all parties are waiving their privileges on  
5 discussing it because at that point you don't have the  
6 attorney-client privilege any longer. That would be your  
7 choice.

8 BOARD MEMBER PENNINGTON: It would seem to  
9 me that it would be best to discuss it in a closed session  
10 first and then if we want to agendize it, we can.

11 MS. TOBIAS: Or we could do both. We  
12 could put it on the agenda and then if you want to meet in  
13 closed session first. We could certainly do it that way,  
14 but I would suggest you discuss it in closed session first  
15 so that you retain your privilege, and then if you decide  
16 and if Mr. Atkinson agrees, then you could go ahead to a  
17 public agenda item.

18 BOARD MEMBER PENNINGTON: Thank you,  
19 Mr. Chairman.

20 CHAIRMAN EATON: All right. This meeting  
21 stands adjourned.

22 \* \* \*

23

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1 STATE OF CALIFORNIA

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4 I, Terri L. Emery, CSR 11598, a Certified  
5 Shorthand Reporter in and for the State of California, do  
6 hereby certify:

7 That the foregoing proceedings were taken  
8 down by me in shorthand at the time and place named  
9 therein and was thereafter transcribed under my  
10 supervision; that this transcript contains a full, true  
11 and correct record of the proceedings which took place at  
12 the time and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest  
16 in the event of the action.

17

18

19 EXECUTED this 4th day of December, 1999.

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Terri L. Emery

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